

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL MAJOR, MARK
MAJOR,

Plaintiffs,

v.

BOHRNSEN & STOWE, MAXEY
LAW OFFICE, MARK D.
HODGSON,

Defendants.

NO. CV-08-269-RHW

**ORDER DENYING PLAINTIFFS'
SECOND MOTION FOR
RECONSIDERATION**

Before the Court is Plaintiffs' Motion for Relief from Judgment Based on New Evidence (Ct. Rec. 93). The motion was heard without oral argument.

On April 13, 2009, the Court dismissed the above-captioned case for lack of subject matter jurisdiction (Ct. Rec. 76). On April 23, 2009, Plaintiff filed a Motion for Reconsideration, which the Court denied (Ct. Rec. 83). In their second Motion for Reconsideration, Plaintiffs now asserts that new evidence exists which would afford the Court the opportunity to reconsider its prior orders. The Court declines to reconsider its prior orders because regardless of the new evidence, the Court does not have subject matter jurisdiction to hear Plaintiff's claims.¹

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¹Plaintiffs' failure to allege facts showing that the defendants were acting under color of state law prevents this Court from having subject matter jurisdiction to hear this case.

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiffs' Motion for Relief from Judgment Based on New Evidence
3 (Ct. Rec. 93) is **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order, forward copies to Plaintiffs and counsel.

6 **DATED** this 9th day of September, 2009.

7 *S/ Robert H. Whaley*

8 **ROBERT H. WHALEY**
9 United States District Judge

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